

Nancy Curry, Chapter 13 Trustee
1000 Wilshire Boulevard, Suite 870
Los Angeles, CA 90017
Tel: (213) 689-3014

UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA – LOS ANGELES DIVISION	
IN RE: HARDAWAY, DOROTHY MAE	CASE NO. 2:24-bk-10901-WB CHAPTER 13 TRUSTEE'S OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN UNDER 11 USC §§§1322, 1325 AND 1326; DECLARATION IN SUPPORT; NOTICE OF POSSIBLE DISMISSAL OR CONVERSION UNDER 11 USC §1307 DATE: May 8, 2024 TIME: 10:00 AM COURTROOM: 1375 255 East Temple Street Los Angeles, CA 90012

The Chapter 13 Standing Trustee hereby objects to the confirmation of the proposed plan because the Debtor has failed to meet all necessary requirements as detailed in the attached declaration and supporting Exhibit A.

THE FAILURE OF THE DEBTOR, OR THE ATTORNEY REPRESENTING THE DEBTOR,
TO RESPOND TO THESE OBJECTIONS, APPEAR AT THE CONFIRMATION HEARING
AND FAILURE TO PRESENT EVIDENCE THAT ALL REQUIRED PAYMENTS ARE
CURRENT MAY RESULT IN DISMISSAL OR CONVERSION OF THE CASE.

Therefore, the Trustee respectfully requests that confirmation of the plan be denied and for such other relief as the Court may deem appropriate.

DATED: April 17, 2024

/s/ Nancy Curry
Chapter 13 Standing Trustee

DECLARATION OF SEAN O'HAIR

I, SEAN O'HAIR, declare as follows:

1. Nancy Curry is the Chapter 13 Standing Trustee in this matter:

HARDAWAY, DOROTHY MAE, 2:24-bk-10901-WB

I am employed by the Trustee as a staff attorney and am duly qualified to make this declaration. The Trustee has files and records kept by her office in the regular course of business. I have personally reviewed the files and records kept by her office in the within case. The following facts are true and correct within my own personal knowledge and I could and would testify competently thereto if called upon to do so.

2. I object to the confirmation of the proposed Plan because of the specific deficiencies which are set forth in the attached Exhibit A which is incorporated herein by reference.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Los Angeles, California on April 17, 2024.

DATED: April 17, 2024

/s/ Sean O'Hair
Sean O'Hair

Debtor: Dorothy Mae Hardaway
Case No.: 2:24-bk-10901-WB

§341(a): 03/21/2024

Debtor attorney: Peter M. Lively

EXHIBIT A

Other issues may arise at or before confirmation requiring additional action or information by the debtor and counsel.

The trustee objects to any provision of the plan that fails to comply with the provisions of the bankruptcy code and rules, including provisions related to plan duration

Feasibility

The Plan is infeasible [11 USC §1325(a)(6)] because:

Presently known claim total exceeds amount plan provides: Fay Servicing, LLC

PROOF OF SERVICE DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

1000 Wilshire Blvd., Suite 870
Los Angeles, CA 90017

A true and correct copy of the foregoing document entitled (specify) **TRUSTEE'S OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN UNDER 11 USC §§§1322, 1325 AND 1326; DECLARATION IN SUPPORT; NOTICE OF POSSIBLE DISMISSAL OR CONVERSION UNDER 11 USC §1307** will be served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On April 17, 2024, I checked the CM/ECF document for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

2. SERVED BY UNITED STATES MAIL: On April 17, 2024, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

HARDAWAY, DOROTHY MAE

PETER M. LIVELY

10955 MCKINLEY AVE
LOS ANGELES, CA 90059

11268 WASHINGTON BLVD., #203
CULVER CITY, CA 90230-4647

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P.5 and/or controlling LBR, on April 17, 2024, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission, and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Honorable Julia Brand
U.S. Bankruptcy Court
Bin outside of Suite 1382
255 East Temple Street
Los Angeles, CA 90012

I declare under penalty of perjury that the laws of the United States that the foregoing is true and correct.

April 17, 2024
Date

Carlos Robles
Type Name

/s/ Carlos Robles
Signature